

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Daniel Ruhland,

Plaintiff,

vs.

Silver Barrel Trucking, LLC

Defendant.

Case No.: _____

COMPLAINT AND JURY DEMAND

¶1. **COMES NOW**, the above-named Plaintiff by and through his Attorney, Mark V. Larson of Larson Law Firm, P.C., Minot, North Dakota 58702, and for his Complaint states and alleges as follows:

I. PARTIES AND JURISDICTION

¶2. Plaintiff Daniel Ruhland, (hereinafter "Plaintiff"), is a resident of Sauk City, Wisconsin.

¶3. Defendant Silver Barrel Trucking, LLC, (hereinafter "Silver Barrel"), is a company authorized to do business in North Dakota and at all times pertinent to this matter was doing business in North Dakota.

¶4. This Court has jurisdiction over the parties and controversy pursuant to 28 U.S.C. §1332 because Plaintiff and Defendant have diversity of citizenship and the amount in controversy is greater than \$75,000.00. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a).

II. FACTUAL BACKGROUND

¶5. Plaintiff reasserts each and every matter or thing contained in the preceding paragraphs and incorporates them by reference.

¶6. Plaintiff brings this action for personal injuries suffered from an oil field accident that occurred on December 18, 2019.

¶7. On December 18, 2019, Plaintiff was an employee of Bullrock, LLC and was on duty at the time of the accident that occurred at a saltwater disposal, located near Keene, North Dakota. Bullrock, LLC ran the disposal site and Plaintiff was working at the site.

¶8. The Plaintiff was assisting an employee of Silver Barrel to offload dirty rig water. In doing so, he checked the truck and directed the driver to unload his load into the “M” Battery. Plaintiff saw another semi-truck on location unloading directly in front of the hot tanks, which was straight across from where Silver Barrel was parked. This semi interfered with Silver Barrel driver’s ability to unload.

¶9. Plaintiff discussed with the driver of the Silver Barrel semi-truck if he could make the turn to get to the “M” Battery past the crane and suspended tank. The driver of the Silver Barrel semi-truck and Plaintiff agreed that Plaintiff would stand by the tank suspended from a crane to help the Silver Barrel driver avoid hitting obstacles in the way.

¶10. At the time the accident occurred, the Silver Barrel truck driver began to head to “M” Battery, the semi-tractor and the front of the trailer successfully missed the suspended tank. The driver then turned the semi-trailer, cutting it close to the tank. Before Plaintiff could react, he was pinned between the rear side of the semi-trailer and the suspended tank. Plaintiff suffered a crush injury.

¶11. Due to the crush injury, Plaintiff blacked out and fell to the ground.

¶12. As a result of the injury, Plaintiff has incurred expenses for medical care, lost income and other expenses in an amount to be proven at trial in an amount greater than \$75,000.00.

III. INJURES TO DANIEL RUHLAND

¶13. Plaintiff reasserts each and every matter or thing contained in the preceding paragraphs and incorporates them by reference.

¶14. As a result of the accident that occurred on December 18, 2019 Plaintiff suffered a grade 4

splenic laceration, pneumothorax with fracture to left 4-9 ribs, right pulmonary contusion with pneumothorax, left adrenal hemorrhage, left renal contusion, rhabdomyolysis secondary to crush injury, urethral stricture, injury to left shoulder joint stretching joint capsule versus dislocation, generalized muscle weakness, fatigue, dyspnea on exertion, left-side rib-pain, thoracic back muscle spasms, impaired functional mobility, limited flexibility, and impaired postural stability and weakness and other injuries.

¶15. As a result of the foregoing injuries, Plaintiff was unable to work and lost income.

¶16. As a result of its negligence, Defendant Silver Barreling Trucking, LLC is liable for Plaintiff's injuries.

¶17. As a result of his injuries, Plaintiff has suffered and will continue to suffer from mental anguish, emotional distress, and pain and suffering. Plaintiff's injuries were slow to heal and will require continuing care.

¶18. Medical expenses and other special damages including but not limited to lost income to date for Plaintiff are in the sum of no less than \$100,000.00 and are expected to be increasing subsequent to this date.

IV. FIRST CLAIM FOR RELIEF - NEGLIGENCE

¶19. Plaintiff reasserts each and every matter and thing contained in the preceding paragraphs and incorporates them herein by reference.

¶20. Defendant Silver Barrel Trucking, LLC had a duty to assure that Plaintiff was not injured by its operations of a semi.

¶21. Defendant Silver Barrel Trucking, LLC had a duty to assure that its drivers properly operated their equipment in order to avoid injuries to persons who were directing it vehicle.

¶22. Defendant Silver Barrel Trucking, LLC was further negligent in the following respects:

- a. Failure to inspect and assure that all equipment were secured for safety;
- b. Failure to adequately warn Plaintiff of possible dangers at the work site;
- c. Failure to adequately train and instruct its agents, employees or representatives of the operations at hand;
- d. Failure to inspect and ensure that all proper safety protocols were available for use;
- e. Failure to assign a competent person or persons to oversee the operation so that it was a safe place for the work to be performed by the Plaintiff;
- f. Failure to inspect its equipment to assure that it was safe to use;
- g. Failure to properly observe the area surrounding in the operation of its equipment;
- h. Failure to properly operate it's equipment; and
- i. Failure to properly warn persons assisting in the operations of it vehicle regarding intended movement.

¶23. **WHEREFORE**, Plaintiff prays for a judgment against the Defendant as follows:

1. For economic damages in an amount no less than \$100,000.00;
2. For compensation of Plaintiff's non-economic damages in an amount greater than \$75,000.00 representing Plaintiff's pain, suffering, mental anguish, and emotional distress;
3. For Plaintiff's costs, attorney's fees and interest, (if allowed by law or equity); and
4. For such other relief as the Court deems equitable, proper and just.

DEMAND FOR JURY TRIAL

¶24. Plaintiff herein demands a trial by a jury of the maximum number of jurors permitted by law.

Dated this 22nd day of November, 2021.

LARSON LAW FIRM, P.C.

/s/ Mark V. Larson

Mark V. Larson (ID# 03587)

ATTORNEY FOR PLAINTIFF

1020 North Broadway

P.O. Box 2004

Minot, ND 58702-2004

(701) 839-1777

larslaw@srt.com